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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,574	11/30/2005	Carl Binding	CH920020024US1	7879
877 7590 06/23/2009 IBM CORPORATION, T.J. WATSON RESEARCH CENTER P.O. BOX 218 YORKTOWN HEIGHTS, NY 10598				
EXAMINER				
SMITH, CREIGHTON H				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplawyor@us.ibm.com

Office Action Summary

Application No.

10/535,574

Applicant(s)

BINDING ET AL.

Examiner

CREIGHTON SMITH

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulkkonen et al, U.S. Pat. #7,200,401 in view of Willars et al, U.S. Pat. #7,072,656 and Almgren et al, U.S. Pat. #6,668,175.

Hulkkonen et al ("Hulk") disclose an inter-system handover, col. 3, lines 9 et seq., and an operator gets maximum flexibility to control the access to different types of radio access networks, RAN. In particular Hulk et al further disclose in col. 3 the operator of the network controls who (subscriber's identity), what services, and location that a user may access a particular type of RAN. Hulk et al disclose in lines 33 et seq. that their basic idea is to allow the core network to get control over the RAN type that is used to provide service to different subscribers. Hulk et al disclose in lines 37 et seq. that there is no set preference for any RAN type. Hulk et al principles are applicable to any kind of RAN, e.g. WLAN, UMTS, GSM, etc., the same as applicant's "different types of communication networks. In lines 41 et seq., Hulk et al disclose that besides handovers due to movement of the terminal and for traffic balancing reasons, operators may ask for a trigger handover between 2 different types of RANs, i.e., an inter-system handover Hulk et al disclose that inter-system handovers may be based on: the requested service (line 50), identity of subscriber or subscriber's home network (lines 58-59), location of the subscriber, col. 4, line 11, or any combination of the above criteria. Hulk

et al disclosure of "to trigger a handover," col. 3, line 43, reads on applicant's phrase receiving a prompt. Hulk et al "handover based on a requested service" reads on applicant's phrase the prompt comprises a connect request because Hulk et al disclose that a user may be roaming the UMTS RAN and then request a simple speech service from the network which will necessitate being handed over to the GSM RAN where the requested service can be provided and the capacity of the UMTS RAN can be dedicated to packet data services. Therefore, if there is a capacity shortage in the UMTS as the user is roaming in that RAN, and then the user just requests speech services a handoff to the GSM RAN will occur in order to conserve resources in the UMTS RAN for other users desiring packet data services.

GSM differs from WLAN and UMTS in the bandwidth. See definitions of UMTS, GSM, and WLAN in Newton's Telecom Dictionary.

Hulk et al disclose that the handover of a subscriber may be based on the identity of the subscriber, col. 3, lines, 58-59. The handover based on identity is based on whether the subscriber is the operator's "own" subscriber or a visiting subscriber. If the subscriber is the operator's own subscriber, then the subscriber will stay in the UMTS RAN because of its larger bandwidth and if the subscriber is visiting/roaming then the visitor will get the GSM RAN with its corresponding lower bandwidth. In col. 4, Hulk et al disclose that the handover may be based on the location of the subscriber such that when a subscriber enters a particular geographic area the connection is handed over to a predefined RAN. For the handoff to be based on bandwidth, Hulk et al disclose in col.

3 that the handoff can be based on the requested service, either UMTS to GSM or vice-versa.

Hulk et al never disclose that the handoff may be based on the customer's preferences regarding cost. However, Almgren et al disclose in col. 3, lines 45 et seq. that a user will give to the network his/her service requirements, and include QoS parameters such as bit rate, BER, and transmission delay. In addition the user may specify a price parameter for a desired service. Willars et al disclose, col. 6, lines 5-10, that a radio network control node will consult a table maintained at a radio network control node. To have similarly used Almgren et al disclosure of the user specifying cost to a network in anticipation of a handover (col. 4, line 18) and Willars et al disclosure in Hulkkonen et al network would have been obvious to a person having ordinary skill in the wireless communications art, because all 3 references are teaching handoff of a mobile terminal to other networks and the teachings of either of the secondary would easily be combinable in the Hulkkonen et al primary reference.

Any inquiry concerning this communication should be directed to CREIGHTON SMITH at telephone number (571)272-7546.

17 JUN '09

/CREIGHTON SMITH/
Primary Examiner, Art Unit 2614